

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 07-20084

JIVAN YAKOOB,

HONORABLE AVERN COHN

Defendant.

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**ORDER DENYING**  
**DEFENDANT'S MOTION TO STAY PROCEEDINGS PENDING APPEAL**

Defendant's Motion to Stay Proceedings Pending Appeal is DENIED.

The interlocutory appeal is from orders denying the defendant's motion to dismiss the indictment based upon "violations of Double Jeopardy, 18 U.S.C. § 4111 and the United States-Canada Extradition Treaty."

The orders are dated January 4, 2008 (Doc. 20), July 29, 2008 (Doc. 36), and February 3, 2009 (Doc. 49).

The reasons for the denial are stated in the following:

- Memorandum and Order Denying Defendant's Motion to Dismiss Indictment (Doc. 20)
- The record of the hearing of July 28, 2008
- Memorandum Memorializing the Reasoning Supporting the Order Denying Defendant's Pre-Trial Motions (Doc. 51)

The motions to dismiss were frivolous. See United States v. Grabinski, 674 F.2d

677, 679–80 (8th Cir. 1982). Additionally, the motions were first denied on January 4, 2008 (Doc. 20) and July 29, 2008 (Doc. 36).

SO ORDERED.

s/Avern Cohn  
AVERN COHN  
UNITED STATES DISTRICT JUDGE

Dated: February 4, 2009

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, February 4, 2009, by electronic and/or ordinary mail.

s/Julie Owens  
Case Manager, (313) 234-5160